

United States Senate

COMMITTEE ON FINANCE

WASHINGTON, DC 20510-6200

April 21, 2010

Via Electronic Transmission

Roseanne Mahaney
Acting Director
Delaware Division of Medicaid and Medical Assistance
State of Delaware
102 Tatumianz Drive
Wilmington, DE 19805

Dear Acting Director Mahaney:

In the United States, the federal and state governments spend roughly \$317 billion every year on the Medicaid program. As Ranking Member of the Senate Committee on Finance, I have an obligation to ensure that taxpayer dollars are appropriately spent on federal health care programs. Like the Medicare program, Medicaid suffers from systemic weaknesses that lead to fraud, waste, and abuse across the program, resulting in higher costs and less health care to those who are in need. The overutilization of prescription drugs, whether through drug abuse or outright fraud, plays a significant role in the rising cost of our healthcare system. The purpose of this letter is to request information regarding certain outliers in Delaware's Medicaid program and what steps Delaware takes to monitor rates of utilization.

In recent inquiries, I have asked the U.S. Department of Health and Human Services about physicians prescribing mental health drugs at astonishingly high rates. In addition to these concerns, a recent CNN report detailed the increasing abuse of OxyContin, Roxicodone, and Xanax. Specifically, the report described the role some pain management clinics and physicians play in the black market for these drugs. I write today to better ascertain how high rates of both mental health and pain medication utilization are affecting the Medicaid program, as well as how Delaware's rates compare to the national rates.

To that end, please provide charts that list of the top ten Medicaid prescribers of the following drugs for the years 2008 and 2009. For each prescriber, please provide his/her prescriber identifier, and the number of prescriptions written per drug per year, and the total amount billed to Medicaid per drug, separated for each year.

- Abilify;
- Geodon;
- Seroquel;
- Zyprexa;
- Risperdal;

- OxyContin;
- Roxicodone; and
- Xanax.

I thank you in advance for your cooperation and request that you provide the requested documents and written responses by no later than May 5, 2010. In your reply, please format information into a chart like the examples provided below. All formal correspondence should be sent electronically in PDF format to Brian_Downey@finance-rep.senate.gov or via facsimile to (202) 228-2131. Of course should you wish to discuss this matter further, please do not hesitate to contact Christopher Armstrong of my Committee staff at (202) 224-4515.

Sincerely,



Charles E. Grassley
Ranking Member

Attachment

Drug X, 2008

Prescriber Identifier	Total prescriptions	Total billed to Medicaid
123456789	25,000	250,000
234567891	24,000	240,000
345678912	23,000	230,000
456789123	22,000	220,000
567891234	21,000	210,000
678912345	20,000	200,000
789123456	19,000	190,000
891234567	18,000	180,000
912345678	17,000	170,000
012345678	16,000	160,000

Drug X, 2009

Prescriber Identifier	Total prescriptions	Total billed to Medicaid
123456789	25,000	250,000
234567891	24,000	240,000
345678912	23,000	230,000
456789123	22,000	220,000
567891234	21,000	210,000
678912345	20,000	200,000
789123456	19,000	190,000
891234567	18,000	180,000
912345678	17,000	170,000
012345678	16,000	160,000



**DELAWARE HEALTH
AND SOCIAL SERVICES**

DIVISION OF
MEDICAID & MEDICAL ASSISTANCE

OFFICE OF THE DIRECTOR

May 5, 2010

Via Electronic Submission

The Honorable Charles E. Grassley
135 Hart Senate Office Building
Washington, DC 20510-1501

Dear Senator Grassley:

Attached please find the information you requested regarding Medicaid prescriptions for mental health drugs in Delaware. Please let us know if you have additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Rosanne Mahaney", with a long horizontal stroke extending to the right.

Rosanne Mahaney
Director

Attachment

Abilify, 2008

Prescriber	Total Prescriptions	Total Paid by Medicaid
42	669	\$224,717.91
9	486	\$197,000.75
3	385	\$126,640.18
1	305	\$113,059.04
24	282	\$103,348.57
37	272	\$87,199.02
48	267	\$109,434.58
12	263	\$105,242.42
35	249	\$86,239.57
22	248	\$104,508.99

Geodon, 2008

Prescriber	Total Prescriptions	Total Paid by Medicaid
42	173	\$48,832.65
9	148	\$48,684.38
3	134	\$38,172.53
1	133	\$28,409.62
14	87	\$28,306.52
12	100	\$25,985.21
34	119	\$23,658.92
35	92	\$22,697.75
22	88	\$22,651.39
49	75	\$18,851.37

Abilify, 2009

Prescriber	Total Prescriptions	Total Paid by Medicaid
42	734	\$287,316.26
8	427	\$169,680.10
9	400	\$181,456.47
12	372	\$159,927.98
44	313	\$123,850.48
27	291	\$127,433.70
5	290	\$126,399.64
40	289	\$129,900.51
37	273	\$101,600.65
48	272	\$122,193.14

Geodon, 2009

Prescriber	Total Prescriptions	Total Paid by Medicaid
42	174	\$55,082.54
3	200	\$53,635.46
9	128	\$44,046.69
12	129	\$42,238.81
22	100	\$29,998.04
34	117	\$25,543.31
24	108	\$25,289.54
32	88	\$23,000.85
1	92	\$22,968.22
14	65	\$22,272.25

Seroquel, 2008

Prescriber	Total Prescriptions	Total Paid by Medicaid
9	838	\$243,495.43
42	706	\$193,276.09
22	465	\$103,738.28
24	453	\$78,015.86
35	353	\$71,963.97
12	322	\$113,151.38
13	322	\$73,307.52
36	247	\$72,207.41
53	239	\$68,965.62
52	201	\$73,046.01

Zyprexa, 2008

Prescriber	Total Prescriptions	Total Paid by Medicaid
9	173	\$90,614.73
23	164	\$98,475.32
42	150	\$61,986.85
16	120	\$68,785.71
12	117	\$65,066.37
11	98	\$48,045.82
17	94	\$55,001.49
5	90	\$45,075.88
39	83	\$50,753.51
32	79	\$48,749.60

Seroquel, 2009

Prescriber	Total Prescriptions	Total Paid by Medicaid
9	967	\$309,533.28
42	645	\$209,499.15
11	500	\$141,216.83
22	458	\$112,164.19
20	414	\$123,413.13
13	397	\$91,838.71
46	371	\$90,484.28
12	320	\$132,138.85
52	301	\$119,566.64
36	218	\$75,668.13

Zyprexa, 2009

Prescriber	Total Prescriptions	Total Paid by Medicaid
9	206	\$125,337.22
20	192	\$120,832.79
23	145	\$90,225.96
16	144	\$102,336.34
12	116	\$74,241.31
30	110	\$63,169.08
42	102	\$51,412.99
32	81	\$58,849.72
29	73	\$48,610.26
17	64	\$42,368.29

Risperdone, 2008

Prescriber	Total Prescriptions	Total Paid by Medicaid
51	417	\$87,663.28
7	399	\$88,057.00
12	328	\$64,227.15
1	325	\$78,179.19
42	299	\$62,893.74
16	292	\$89,660.45
34	282	\$56,916.81
14	273	\$70,199.87
6	271	\$50,795.51
32	268	\$55,722.54

Oxycodone, 2008 (OxyContin & Roxicodone)

Prescriber	Total Prescriptions	Total Paid by Medicaid
19	2586	\$393,477.55
43	1238	\$92,670.76
26	1214	\$165,577.74
25	978	\$161,438.77
55	799	\$56,910.62
38	643	\$18,514.44
33	606	\$39,260.86
2	430	\$25,694.68
10	378	\$18,092.90
18	375	\$21,996.75

Risperdone, 2009

Prescriber	Total Prescriptions	Total Paid by Medicaid
9	522	\$31,724.69
51	485	\$21,871.62
42	471	\$23,336.76
14	389	\$23,193.11
7	381	\$18,221.49
44	343	\$11,913.65
20	337	\$22,369.37
1	328	\$15,848.29
6	300	\$11,992.86
37	297	\$18,740.97

Oxycodone, 2009 (OxyContin & Roxicodone)

Prescriber	Total Prescriptions	Total Paid by Medicaid
43	2332	\$216,305.51
19	2092	\$325,328.46
25	1280	\$211,859.65
55	1102	\$90,535.42
26	794	\$122,131.50
50	576	\$35,726.21
41	573	\$63,181.81
38	571	\$19,592.37
28	523	\$17,184.31
15	475	\$25,079.10

Alprazolam, 2008 (Xanax)

Prescriber	Total Prescriptions	Total Paid by Medicaid
13	1702	\$12,123.51
43	1257	\$13,235.91
22	850	\$11,238.76
47	718	\$3,442.40
42	694	\$6,089.86
56	630	\$5,395.92
54	614	\$4,458.61
57	565	\$5,914.91
45	560	\$3,396.84
31	555	\$5,433.14

Alprazolam, 2009 (Xanax)

Prescriber	Total Prescriptions	Total Paid by Medicaid
13	2249	\$12,423.23
43	2082	\$17,443.64
42	1177	\$7,606.35
11	1057	\$7,595.30
56	1008	\$9,194.07
3	776	\$7,507.34
22	700	\$9,499.32
12	667	\$3,440.74
25	654	\$3,206.79
21	632	\$3,413.63

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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6276

BRUCE A. COHEN, *Chief Counsel and Staff Director*
KOLAN L. DAVIS, *Republican Chief Counsel and Staff Director*

January 23, 2012

VIA ELECTRONIC TRANSMISSION

Rosanne Mahaney
Director, Division of Medicaid and Medical Assistance
P.O. Box 906
New Castle, DE 19720

Dear Director Mahaney:

On May 5, 2010, your office provided my staff with data regarding the top ten prescribers of several pain management and mental health drugs in your state. These types of drugs have addictive properties, and the potential for fraud and abuse by prescribers and patients is extremely high. Mental health drugs continue to be prescribed at astounding rates and pain management clinics are turning into a hotbed for black market painkillers. When these drugs are prescribed to Medicaid patients, it is the American people who pay the price for over-prescription, abuse, and fraud.

After an extensive review of prescribing habits of the serial prescribers of pain and mental health drugs, I have concerns about the oversight and enforcement of Medicaid abuse in your state. While I am sensitive to concerns about the potential for misinterpretation of the data you provided, the numbers themselves are quite shocking.

For example, the top prescriber of Oxycodone wrote a 2332 prescriptions for the drug in 2009—five times the amount prescribed by any of the providers who placed six through ten on the list. This same prescriber wrote another 2082 prescriptions for Xanax in the same year. These outliers are consistent with several of the antipsychotic

drugs as well—with the top prescribers writing double or triple the number of prescriptions as the other prescribers on the list.

It is my intention to ensure that each of the states is adequately monitoring, investigating, and stopping fraud and over-prescription of these types of drugs. Therefore, please provide answers to the following questions:

1. What action, if any, has your agency taken with respect to the prescribers identified to the Committee?
2. If there has been no action taken with respect to these prescribers, please explain why not.
3. Please identify which of the providers identified to the Committee remain eligible to bill the Medicaid Program.
4. Please provide the 2010 and 2011 numbers for the top prescribers of these same drugs.
5. Has each of these prescribers been cross-checked for complaints or misconduct with the state medical board or the National Practitioner Data Bank? If not, do you plan to do so?
6. Have any of the prescribers identified to this Committee been referred to your state medical board?
7. Is there any system set up in your state to identify and monitor excessive prescription writing? If not, why not?
8. Have you received any training or guidance from the Centers for Medicare and Medicaid Studies to help identify potential issues with prescription drugs?
9. Does your state maintain a database of all prescribed controlled-substances? If so, what entities have access to it?
10. Does your state have any point-of-sale restrictions related to maximum units, prior authorization, therapeutic duplication, or early refill? If not, why not?
11. Were any of these top ten prescribers identified in the federal-mandated Drug Utilization Review or CMS-base retrospective reviews?
12. Does your state have any programs in place to educate providers about the prescription of antipsychotics to children and adolescents?

Thank you in advance for your cooperation and attention in this matter. When responding to this letter, please number your answers in accordance with my questions. I would appreciate a response by February 13, 2012. If you have any questions, please do not hesitate to contact Erika Smith of my staff at (202) 224-5225.

Sincerely,

A handwritten signature in blue ink that reads "Chuck Grassley". The signature is written in a cursive, flowing style with a prominent "C" and "G".

Charles E. Grassley
Ranking Member
Committee on the Judiciary



DELAWARE HEALTH AND SOCIAL SERVICES

DIVISION OF
MEDICAID & MEDICAL ASSISTANCE

OFFICE OF THE DIRECTOR

February 10, 2012

Charles E. Grassley
Ranking Member
Committee on the Judiciary
Washington, DC 20510-6275

Dear Senator Grassley:

Thank you for your letter of January 23, 2012 and for your concern regarding the oversight and enforcement of Medicaid abuse in Delaware.

Our responses to your specific questions are below.

1. **What actions, if any, has the agency taken with respect to the prescribers identified to the Committee?**

At the time we provided you with our list, investigations were already underway on certain of the prescribers identified. In addition, since that time, other investigations have been initiated that include some of these prescribers. Some form of administrative action has been taken to date on 12% of those practitioners previously identified as the top prescribers of the identified classes of drugs. They include the top two prescribers of Oxycodone

2. **If there has been no action taken with respect to these prescribers, please explain why not.**
Not applicable.

However, many of the top prescribers of these classes of drugs include Oncologists, Psychiatrists, Specialists in the management of certain chronic diseases, as well as Pain Management Specialists. In our analysis of their prescribing practices, we have determined that they are not true outliers when their patient population base and area of expertise are taken into account. Many of these providers are responsive to our inquiries and participatory in our drug utilization review programs.

3. **Please identify which of the providers identified to the Committee remain eligible to bill the Medicaid program.**

As noted above, action has been taken with regard to 12% of the identified providers. Those providers are no longer eligible to bill Medicaid.

4. **Please provide the 2010 and 2011 numbers for the top prescribers of these same drugs.**
We will forward this data within the next 30 days.
5. **Has each of these prescribers been crossed checked for complaints or misconduct with the state medical board or the National Practitioner Data Bank? If not, do you plan to do so?**
Yes, these prescribers have been cross checked with these entities.
6. **Have any of the prescribers identified to this Committee been referred to your state medical board?**
Yes.
7. **Is there any system set up in your state to identify and monitor excessive prescription writing? If not, why not?**
Yes, the SUR unit has programs that use a sophisticated set of analytics to identify excessive prescribing. This data is used in conjunction with input from our Medicaid Pharmacy Call Center staff in reviewing physicians.
8. **Have you received any training or guidance from CMS to help identify potential prescribing issues with prescription drugs?**
Yes, our SUR team actively participates in the Medicaid Integrity Institute sponsored by CMS. In addition, we have participated in the Medicaid Integrity Group Education (MIC) project.
9. **Does your state maintain a database of all prescribed controlled substances? If so, what entities have access to it?**
Delaware will be implementing a Prescription Monitoring Program in March 2012.
10. **Does your state have any point-of-sale restrictions related to maximum units, prior authorization, therapeutic duplications or early refill? If not, why not?**
 - a. The Delaware Point of Sale (POS) system has hard limits on the maximum number of units for all of the atypical antipsychotics and opioid analgesics. We continue to evaluate and refine the policies with input from our Drug Utilization Review Board and other partners (Medicaid Fraud Control Unit, Professional Regulations, Division of Substance Abuse and Mental Health, Division of Public Health, etc.).
 - b. All long acting opioids require a prior authorization. An initiative currently underway involves placing the immediate release high dose oxycodone products on prior authorization.

- c. An edit within the POS causes therapeutic duplications to be denied. A prior authorization is needed for duplicate therapy of atypical antipsychotics.

In addition, we have classified the opioid analgesics into two categories, long and short acting agents. A prospective DUR alert is sent to the pharmacy provider alerting them that a second agent is being requested. The pharmacies have found this alert to be extremely helpful.

- d. Delaware requires that 83% of a medication supply be completed before a new prescription is allowed. A POS edit causes early refills to be denied. Authorization is needed before a new supply may be released early.

11. Were any of these top ten prescribers identified in the federal-mandated Drug Utilization Review or CMS-based retrospective reviews?

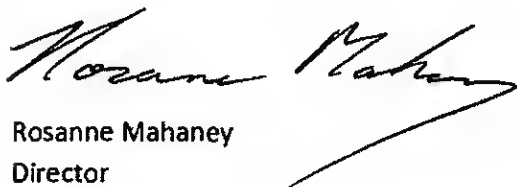
Yes, the majority of these prescribers have received Retro DUR intervention letters.

12. Does your state have any programs in place to educate providers about the prescription of antipsychotics to children and adolescent?

Yes, the Delaware program contracted with Care Management Technologies to provide outreach and educational material to such providers when their prescribing patterns did not appear to be in line with guidelines and standards.

We remain committed to effectively monitoring, investigating, eliminating fraud and over-prescribing of pain management and mental health drugs within Delaware's Medicaid program. Inappropriate prescribing practices not only result in misspent taxpayer dollars, they lead to poor health outcomes for the Medicaid population.

Sincerely,



Rosanne Mahaney
Director

Delaware Medicaid Prescriber Data
2010 2011

ZYPREXA

Year	Prescriber	Count	Dollar Total
201000	10	220	\$159,225.38
201000	32	211	\$143,368.95
201000	40	180	\$115,579.87
201000	47	98	\$85,325.59
201000	36	113	\$81,123.05
201000	31	104	\$78,164.13
201000	34	112	\$75,060.68
201000	14	123	\$64,993.89
201000	26	75	\$63,312.98
201000	44	98	\$57,415.22

OXYCODONE

Year	Prescriber	Count	Dollar Total
201000	46	2013	\$278,865.14
201000	19	1352	\$191,376.96
201000	42	986	\$139,851.66
201000	41	2064	\$116,195.94
201000	56	1394	\$84,853.56
201000	51	927	\$66,809.86
201000	54	883	\$64,052.18
201000	3	743	\$58,668.08
201000	4	716	\$48,328.79
201000	12	831	\$45,653.85

ZYPREXA

Year	Prescriber	Count	Dollar Total
201100	10	293	\$259,013.92
201100	32	218	\$195,931.42
201100	26	191	\$160,623.53
201100	47	126	\$130,677.51
201100	49	128	\$117,371.05
201100	34	145	\$116,072.43
201100	40	173	\$113,256.29
201100	14	172	\$112,872.54
201100	36	94	\$84,896.50
201100	38	120	\$84,578.00

OXYCODONE

Year	Prescriber	Count	Dollar Total
201100	3	3909	\$363,929.08
201100	46	2346	\$313,868.98
201100	19	2104	\$230,736.60
201100	41	3446	\$176,841.74
201100	60	1308	\$99,109.71
201100	61	1630	\$82,202.95
201100	24	675	\$79,625.78
201100	42	644	\$76,486.27
201100	4	955	\$73,014.75
201100	12	1252	\$71,413.21

RISPERDONE

Year	Prescriber	Count	Dollar Total
201000	10	480	\$15,408.50
201000	33	467	\$12,642.89
201000	38	455	\$12,945.22
201000	22	445	\$9,314.60
201000	25	364	\$12,067.52
201000	18	344	\$9,386.71
201000	49	341	\$11,284.67
201000	2	327	\$8,218.89
201000	8	306	\$8,436.01
201000	57	297	\$7,535.71

ALPRAZOLAM

Year	Prescriber	Count	Dollar Total
201000	38	2177	\$14,988.01
201000	45	1680	\$9,162.49
201000	14	1216	\$9,109.02
201000	53	1087	\$7,627.40
201000	51	769	\$6,171.25
201000	6	601	\$4,662.28
201000	30	542	\$4,274.69
201000	17	496	\$4,104.92
201000	31	722	\$3,916.35
201000	49	289	\$3,780.20

Delaware Medicaid Prescriber Data
2010 2011

RISPERDONE

Year	Prescriber	Count	Dollar Total
201100	38	620	\$16,453.61
201100	29	156	\$14,263.30
201100	49	499	\$13,756.39
201100	10	544	\$13,331.23
201100	1	147	\$12,425.81
201100	35	115	\$10,617.26
201100	25	379	\$9,931.01
201100	33	444	\$9,745.46
201100	5	221	\$9,713.29
201100	22	488	\$9,552.88

ALPRAZOLAM

Year	Prescriber	Count	Dollar Total
201100	38	3942	\$28,103.45
201100	53	1270	\$8,982.76
201100	14	918	\$6,607.24
201100	6	755	\$5,828.23
201100	45	1022	\$5,662.22
201100	27	676	\$5,652.78
201100	30	672	\$5,449.67
201100	11	590	\$4,889.80
201100	3	628	\$4,836.48
201100	15	564	\$4,830.43

GEODON

Year	Prescriber	Count	Dollar Total
201000	31	219	\$75,725.71
201000	38	180	\$65,789.88
201000	10	83	\$31,962.95
201000	7	123	\$30,296.58
201000	14	78	\$26,400.07
201000	58	76	\$25,291.65
201000	15	68	\$22,267.12
201000	25	66	\$21,614.93
201000	55	67	\$21,511.49
201000	8	74	\$20,771.11

ABILIFY

Year	Prescriber	Count	Dollar Total
201000	38	829	\$373,828.49
201000	27	448	\$211,978.99
201000	17	394	\$183,632.72
201000	31	351	\$171,813.51
201000	14	346	\$166,986.54
201000	37	336	\$150,838.43
201000	10	284	\$140,236.06
201000	22	305	\$131,606.56
201000	21	224	\$105,531.11
201000	1	203	\$102,661.78

GEODON

Year	Prescriber	Count	Dollar Total
201100	31	240	\$93,237.58
201100	38	137	\$55,814.44
201100	10	106	\$46,245.86
201100	14	116	\$40,428.87
201100	25	99	\$36,634.16
201100	9	68	\$31,414.11
201100	13	76	\$29,431.00
201100	23	56	\$29,248.17
201100	43	73	\$28,081.05
201100	32	69	\$27,733.75

ABILIFY

Year	Prescriber	Count	Dollar Total
201100	38	684	\$372,082.21
201100	27	677	\$342,563.26
201100	17	511	\$272,380.31
201100	28	482	\$239,016.18
201100	10	415	\$232,648.28
201100	50	355	\$197,958.59
201100	14	302	\$160,515.94
201100	31	280	\$148,290.70
201100	48	274	\$147,758.19
201100	22	307	\$144,738.12

Delaware Medicaid Prescriber Data
2010 2011

SEROQUEL

Year	Prescriber	Count	Dollar Total
201000	10	1014	\$352,056.98
201000	38	920	\$316,056.54
201000	14	543	\$172,168.76
201000	31	333	\$155,846.27
201000	40	396	\$132,579.89
201000	20	400	\$122,714.79
201000	37	423	\$103,628.35
201000	59	346	\$98,543.66
201000	15	363	\$98,303.15
201000	45	342	\$93,227.99

SEROQUEL

Year	Prescriber	Count	Dollar Total
201100	10	1227	\$465,746.81
201100	38	1027	\$426,981.54
201100	31	380	\$203,026.43
201100	45	605	\$202,415.05
201100	28	632	\$201,466.50
201100	20	505	\$187,477.74
201100	14	485	\$182,357.56
201100	59	444	\$164,222.52
201100	40	418	\$153,424.85
201100	39	335	\$114,926.07